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In re Application of
James
Application No. 09/642,868
Filed: November 1, 2000
Attorney Docket No. 9066.002

**OFFICE OF PETITIONS
ON PETITION**

This is a decision in response to the papers filed June 14, 2004, and June 15, 2004, which are being treated as a petition under 37 CFR 1.183, to waive 37 CFR 1.193 and to enter the reply brief filed on April 14, 2004.

The petition is **granted**.

On January 13, 2004, the Examiner filed an answer to applicant's appeal brief.

On April 16, 2004 (Certificate of Mailing Date of April 13, 2004), petitioner filed a reply brief and a request for a one month extension of time under 37 CFR 1.136(a). However, extensions of time under 37 CFR 1.136(a) are unavailable for the filing of a reply brief. Therefore, the reply brief was considered untimely and not entered.

The record indicates the entire delay in the submission of the papers was unintentional. Petitioner has paid the fee for an unintentional petition- \$665. Considering all the facts and circumstances, 37 CFR 1.193 will be waived and the reply brief filed on April 16, 2004, will be deemed to be timely.

The \$55 payment submitted on April 16, 2004, will be credited to petitioner's deposit account.

The file is now being forwarded to Technology Center Art Unit 3752 for entry and consideration of the reply brief filed on April 16, 2004.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

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Office of Petitions